

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

INNOVATIVE GLOBAL SYSTEMS LLC,

Plaintiff,

V.

TURNPIKE GLOBAL TECHNOLOGIES  
L.L.C., CADEC GLOBAL, INC., XATA  
CORPORATION, GENERAL ELECTRIC  
CO., TRIMBLE NAVIGATION LTD. and  
NETWORKFLEET, INC.

Defendants.

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CIVIL ACTION NO. 6:09-cv-00157

## JURY TRIAL DEMANDED

**PLAINTIFF’S OUT-OF-TIME SURREPLY REGARDING  
NETWORKFLEET’S MOTION TO SEVER AND TRANSFER**

Plaintiff INNOVATIVE GLOBAL SYSTEMS LLC (“IGS”) makes this Surreply Regarding Defendant NETWORKFLEET, INC.’s (“NetworkFleet”) Motion to Sever and Transfer, and shows as follows:

1. NetworkFleet – a company with a principal place of business in California – has taken the position that: (a) it is unfairly inconvenient for it to litigate in Texas; and (b) that this lawsuit has an insufficient connection to Texas (see Defendant NetworkFleet’s Motion to Sever and Transfer Venue, Docket No. 31 file-stamped July 7, 2009). But NetworkFleet’s position is belied by the recent action it initiated for patent infringement *in this very Court* on August 18, 2009, less than two (2) weeks after its Motion to Sever and Transfer Venue against IGS became ripe for ruling. See Exhibit “A” hereto – Plaintiff’s Original Complaint filed in Civil Action No. 6:09-cv-370, *HTI IP and NetworkFleet, Inc. vs. DriveOK, Inc., et al.*, pending in the United States District Court for the Eastern District of Texas, Tyler Division (Dkt. 1).

2. In its new patent infringement suit NetworkFleet has not sued any Texas entity, but has sued two (2) other California entities,<sup>1</sup> a Washington entity<sup>2</sup> and a British Columbia entity<sup>3</sup> – all companies with principal places of business in the Western United States and Canada. And according to NetworkFleet's Original Complaint some of the same fact witnesses in its new suit are also important in the instant suit, such as Diego A. Borrego and Bruce Lightner (compare NetworkFleet's Original Complaint for patent infringement, p. 3, ¶ 13, with NetworkFleet's Motion to Sever and Transfer Venue pp. 3-4). This is not surprising since the patents and accused products in the instant suit and NetworkFleet's patents in its new action all deal, generally speaking, with methods and instrumentalities, for at least the heavy duty trucking industry, that allow for wireless communication of data associated with a vehicle between the vehicle and remote location.

**Dated: September 10, 2009**

Respectfully submitted,

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<sup>1</sup> DriveOK, Inc. (d.b.a. Vehiclepath) and Xirgo Technologies, LLC (Original Complaint, pg.2, ¶¶ 4 and 7).

<sup>2</sup> Webtech Wireless USA, Ltd. (Original Complaint, pg.2, ¶ 6).

<sup>3</sup> Webtech Wireless Inc. (Original Complaint, pg.2, ¶ 5).

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of September, 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke